

### **REMARKS**

The Examiner is thanked for the thorough examination of the present application. The Office Action mailed April 13, 2011 rejected claims 1-24. This is a full and timely response to that outstanding Office Action. Upon entry of the amendments in this response, claims 1-12 and 15-24 are pending. More specifically, claims 1, 12, and 20-22 are amended and claims 13-14 are canceled without prejudice, waiver, or disclaimer. No new matter is added to the present application by these amendments.

#### **I. Rejections Under 35 U.S.C. §103(a)**

The Office Action rejects claims 1-3, 7-18, and 20-24 under 35 U.S.C. 103(a) as allegedly being unpatentable over *Hein-Magnussen et al.* (U.S. Pub No. 2004/0132407) in view of *Burgess* (U.S. Pat. No. 7,027,575). The Office Action rejects claims 4 and 6 under 35 U.S.C. 103(a) as being allegedly unpatentable over *Hein-Magnussen et al.* (U.S. Pub No. 2004/0132407) in view of *Burgess* (U.S. Pat. No. 7,027,575) as applied to claim 1, and further in view of *Chen et al.* (U.S. Pub. No. 2003/0054810). The Office Action rejects claims 5 and 19 under 35 U.S.C. 103(a) as being allegedly unpatentable over *Hein-Magnussen et al.* (U.S. Pub. No. 2004/0132407) in view of *Burgess* (U.S. Pat. No. 7,027,575) and *Chen et al.* (U.S. Pub. No. 2003/0054810) as applied to claim 4 and 1, and further in view of *Mousseau, et al.* (U.S. Pat. No. 5,559,800).

A. Claims 1-19

Independent claim 1 recites:

A communication method, comprising:

***receiving by a cellular base station in a cellular network a wireless data request for a telecommunications cellular service from a wireless client, wherein the wireless data request is from a cellular device that is outside of its assigned calling area within the cellular network;***

providing by the cellular base station a local exchange point of presence to the wireless client in response to the request, the local exchange point of presence selected based on the current geographic location of the wireless client; and

***providing the telecommunications cellular service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone services,***

***wherein providing the telecommunications service comprises routing messages from a local gateway over an intermediate network to a remote gateway, thereby avoiding long distance charges,***

***wherein the intermediate network comprises at least one of the Internet and the World Wide Web.***

(Emphasis added).

Independent claim 1 is allowable for at least the reason that the combination of *Hein-Magnussen* and *Burgess* does not disclose, teach, or suggest at least "receiving by a cellular base station in a cellular network a wireless data request for a telecommunications cellular service from a wireless client, wherein the wireless data request is from a cellular device that is outside of its assigned calling area within the cellular network . . . providing the telecommunications cellular service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone services, wherein providing the telecommunications service comprises routing messages from a local gateway over

an intermediate network to a remote gateway, thereby avoiding long distance charges, wherein the intermediate network comprises at least one of the Internet and the World Wide Web," as emphasized above.

The Office Action argues that the claimed cellular base station is met by a Bluetooth transceiver in the *Hein-Magnussen* reference. Also, the Office Action refers to a wireless receiver/transmitter in *Burgess* but this device may not be properly substituted with the Bluetooth transceiver. Further, amended claim 1 discloses an intermediate network which is an additional element not believed to be sufficiently disclosed by the proposed combination of *Hein-Magnussen* and *Burgess*.

The claim describes that a cellular device outside of its assigned calling area can be provided a local telephone number through a local exchange point of process through which messaging services may be delivered and routed. The cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, singularly or in combination, all the elements of claim 1.

For example, *Hein-Magnussen* describes a near field communication system where a terminal can communicate in short range with a connecting unit which allows the terminal to connect with the Internet. See paras. 0059-0062, 0132, and 0147. Further, *Hein-Magnussen* discloses that a mobile telephone may be used as a terminal device where the mobile telephone communicates to a connecting unit using near field communications, such as Bluetooth, instead of cellular communications. See para. 0147.

Therefore, *Hein-Magnussen* does not disclose a cellular communications system and does not "inexplicitly disclose having the feature(s) [of] cellular base station; wherein the cellular base station provides cellular telephone services." Page 3. Further, as stated

above, *Hein-Magnussen* teaches away from using cellular telephone services so that near field communications may be used.

As such, *Hein-Magnussen* does not teach or suggest "receiving by a cellular base station in a cellular network a wireless data request for a telecommunications cellular service from a wireless client, wherein the wireless data request is from a cellular device that is outside of its assigned calling area within the cellular network . . . providing the telecommunications cellular service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone services, wherein providing the telecommunications service comprises routing messages from a local gateway over an intermediate network to a remote gateway, thereby avoiding long distance charges, wherein the intermediate network comprises at least one of the Internet and the World Wide Web," as recited in claim 1.

Further, *Burgess* discloses a communication system where a telephone number associated with a communication device for billing purposes may be reused by another communication device for receiving incoming calls. See col. 6, lines 5-11. This telephone number is associated with either communication device based on a predefined calling area. As such, *Burgess* does not remedy the deficiencies of *Hein-Magnussen* and the proposed combination of *Hein-Magnussen* and *Burgess* fails to teach or suggest at least "receiving by a cellular base station in a cellular network a wireless data request for a telecommunications cellular service from a wireless client, wherein the wireless data request is from a cellular device that is outside of its assigned calling area within the cellular network . . . providing the telecommunications cellular

service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone services, wherein providing the telecommunications service comprises routing messages from a local gateway over an intermediate network to a remote gateway, thereby avoiding long distance charges, wherein the intermediate network comprises at least one of the Internet and the World Wide Web," as recited in claim 1.

For at least the reason that independent claim 1 is allowable over the cited references of record, dependent claims 2-12 and 15-19 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-12 and 15-19 contain all the features of independent claim 1 and recite additional features. See *Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989).

As one example, among others, of an additional feature recited by the dependent claims, claim 9 recites "wherein providing the local exchange point of presence to the wireless client comprises referencing a lookup table associating geographic locations with local contact information" and incorporates the feature "wherein providing the local exchange point of presence to the wireless client comprises detecting a geographic location of the wireless client." The Office Action contends that *Hein-Magnussen* discloses the foregoing by assigning an IP address to a terminal. See page 5. However, *Hein-Magnussen* does not disclose or describe that an IP address is selected or assigned based upon a geographic location of the terminal detected by a service

server 210. For example, *Hein-Magnussen* does not disclose that IP Address A is to reserved to be assigned to terminals located for geographic area B and IP Address C is reserved to be assigned to terminals located for geographic area D. Hence, the rejections of the claims should be withdrawn and the claims allowed.

Additionally, with regard to the rejection of claims 4 and 6, *Chen* does not make up for the deficiencies of *Hein-Magnussen* and *Burgess* noted above. Further, with regard to claims 5 and 19, *Chen* and *Mousseau* do not make up for the deficiencies of *Hein-Magnussen* and *Burgess* noted above. Therefore, claims 4-6 and 19 are considered patentable over any combination of these documents for at least the reason that claims 4-6 and 19 incorporate allowable features of claim 1 as set forth above.

Also, the Office Action states that "wherein the cellular base station provides cellular telephone service was well known in the art, as taught by Burgess." See, e.g., page 3. In response, Assignee submits that *Burgess* does not disclose a cellular base station in the manner claimed that receives a wireless data request and provides a local exchange point of presence in response to the request, among other features. Accordingly, Assignee respectfully submits that the claimed cellular base station is not well known in the art. Likewise, the Office Action states that "the feature services capable of being displayed by the wireless client was well known in the art, as taught by Chen;" "the feature input through a graphical user interface displayed on the wireless client was well known in the art, as taught by Chen;" "the feature exchanging information over a control channel was well known in the art, as taught by Mousseau;" "the feature the input chosen from the menu of telecommunications services was well known in the art, as taught by Chen;" and "the feature including exchanging user

information over a control channel was well known in the art, as taught by Mousseau." See, e.g., page 21. For similar reasons, as stated above, Assignee respectfully submits that the claimed subject matter in context of all the recited and incorporated features associated with the respective claimed matter is not well known in the art.

B. Claim 20

Independent claim 20 recites:

A communication apparatus comprising a gateway configured to:  
***receive in a cellular network a wireless data request for a telecommunications cellular service from a wireless client, wherein the wireless data request from the wireless client is outside of its assigned calling area within the cellular network;***

provide by a cellular base station a local exchange point of presence, wherein the cellular base station provides cellular telephone services to the wireless client in response to the request, the local exchange point of presence based on the geographic location of the wireless client; and

***provide the telecommunications cellular service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone services,***

***wherein providing the telecommunications service comprises routing messages from a local gateway over an intermediate network to a remote gateway, thereby avoiding long distance charges,***  
***wherein the intermediate network comprises at least one of the Internet and the World Wide Web.***

(Emphasis added).

Independent claim 20 is allowable for at least the reason that the combination of *Hein-Magnussen* and *Burgess* does not disclose, teach, or suggest at least to "receive in a cellular network a wireless data request for a telecommunications cellular service

from a wireless client, wherein the wireless data request from the wireless client is outside of its assigned calling area within the cellular network . . . provide the telecommunications cellular service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone services, wherein providing the telecommunications service comprises routing messages from a local gateway over an intermediate network to a remote gateway, thereby avoiding long distance charges, wherein the intermediate network comprises at least one of the Internet and the World Wide Web," as emphasized above.

The Office Action argues that the claimed cellular base station is met by a Bluetooth transceiver in the *Hein-Magnussen* reference. Also, the Office Action refers to a wireless receiver/transmitter in *Burgess* but this device may not be properly substituted with the Bluetooth transceiver. Further, amended claim 20 discloses an intermediate network which is an additional element not believed to be sufficiently disclosed by the proposed combination of *Hein-Magnussen* and *Burgess*.

The claim describes that a cellular device outside of its assigned calling area can be provided a local telephone number through a local exchange point of process through which messaging services may be delivered and routed. The cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, singularly or in combination, all the elements of claim 20. As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, singularly or in combination, all the elements of claim 20, the rejection should be withdrawn for at least that reason.



For example, *Hein-Magnussen* describes a near field communication system where a terminal can communicate in short range with a connecting unit which allows the terminal to connect with the Internet. See paras. 0059-0062, 0132, and 0147. Further, *Hein-Magnussen* discloses that a mobile telephone may be used as a terminal device where the mobile telephone communicates to a connecting unit using near field communications, such as Bluetooth, instead of cellular communications. See para. 0147.

Therefore, *Hein-Magnussen* does not disclose a cellular communications system and does not "inexplicitly disclose having the feature(s) [of] cellular base station; wherein the cellular base station provides cellular telephone services." Page 3. Further, as stated above, *Hein-Magnussen* teaches away from using cellular telephone services so that near field communications may be used.

As such, *Hein-Magnussen* does not teach or suggest to "receive in a cellular network a wireless data request for a telecommunications cellular service from a wireless client, wherein the wireless data request from the wireless client is outside of its assigned calling area within the cellular network . . . provide the telecommunications cellular service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone services, wherein providing the telecommunications service comprises routing messages from a local gateway over an intermediate network to a remote gateway, thereby avoiding long distance charges, wherein the intermediate network comprises at least one of the Internet and the World Wide Web," as recited in claim 20.

Further, *Burgess* discloses a communication system where a telephone number associated with a communication device for billing purposes may be reused by another

communication device for receiving incoming calls. See col. 6, lines 5-11. This telephone number is associated with either communication device based on a predefined calling area. As such, *Burgess* does not remedy the deficiencies of *Hein-Magnussen* and the proposed combination of *Hein-Magnussen* and *Burgess* fails to teach or suggest at least to "receive in a cellular network a wireless data request for a telecommunications cellular service from a wireless client, wherein the wireless data request from the wireless client is outside of its assigned calling area within the cellular network . . . provide the telecommunications cellular service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone services, wherein providing the telecommunications service comprises routing messages from a local gateway over an intermediate network to a remote gateway, thereby avoiding long distance charges, wherein the intermediate network comprises at least one of the Internet and the World Wide Web," as recited in claim 20.

Also, the Office Action states that "wherein the cellular base station provides cellular telephone service was well known in the art, as taught by *Burgess*." See page 10. In response, Assignee submits that *Burgess* does not disclose a cellular base station in the manner claimed that receives a wireless data request and provides a local exchange point of presence in response to the request, among other features. Accordingly, Assignee respectfully submits that the claimed cellular base station is not well known in the art.

C. Claim 21

Independent claim 21 recites:

A communications apparatus, comprising:

***means for receiving in a cellular network by a cellular base station a wireless data request for a telecommunications cellular service from a wireless client, wherein the wireless data request from the wireless client is outside of its assigned calling area within the cellular network;***

means for providing by a cellular base station a local exchange point of presence to the wireless client in response to the request, the local exchange point of presence selected based on the geographic location of the wireless client; and

***means for providing the telecommunications cellular service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone service,***

***wherein providing the telecommunications service comprises routing messages from a local gateway over an intermediate network to a remote gateway, thereby avoiding long distance charges,***

***wherein the intermediate network comprises at least one of the Internet and the World Wide Web.***

(Emphasis added).

Independent claim 21 is allowable for at least the reason that the combination of *Hein-Magnussen* and *Burgess* do not disclose, teach, or suggest at least “means for receiving in a cellular network by a cellular base station a wireless data request for a telecommunications cellular service from a wireless client, wherein the wireless data request from the wireless client is outside of its assigned calling area within the cellular network . . . means for providing the telecommunications cellular service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone service, wherein providing

the telecommunications service comprises routing messages from a local gateway over an intermediate network to a remote gateway, thereby avoiding long distance charges, wherein the intermediate network comprises at least one of the Internet and the World Wide Web," as emphasized above.

The Office Action argues that the claimed cellular base station is met by a Bluetooth transceiver in the *Hein-Magnussen* reference. Also, the Office Action refers to a wireless receiver/transmitter in *Burgess* but this device may not be properly substituted with the Bluetooth transceiver. Further, amended claim 21 discloses an intermediate network which is an additional element not believed to be sufficiently disclosed by the proposed combination of *Hein-Magnussen* and *Burgess*.

The claim describes that a cellular device outside of its assigned calling area can be provided a local telephone number through a local exchange point of process through which messaging services may be delivered and routed. The cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, singularly or in combination, all the elements of claim 21. As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, singularly or in combination, all the elements of claim 21, the rejection should be withdrawn for at least that reason.

For example, *Hein-Magnussen* describes a near field communication system where a terminal can communicate in short range with a connecting unit which allows the terminal to connect with the Internet. See paras. 0059-0062, 0132, and 0147. Further, *Hein-Magnussen* discloses that a mobile telephone may be used as a terminal device where the

mobile telephone communicates to a connecting unit using near field communications, such as Bluetooth, instead of cellular communications. See para. 0147.

Therefore, *Hein-Magnussen* does not disclose a cellular communications system and does not "inexplicitly disclose having the feature(s) [of] cellular base station; wherein the cellular base station provides cellular telephone services." Page 3. Further, as stated above, *Hein-Magnussen* teaches away from using cellular telephone services so that near field communications may be used.

As such, *Hein-Magnussen* does not teach or suggest "means for receiving in a cellular network by a cellular base station a wireless data request for a telecommunications cellular service from a wireless client, wherein the wireless data request from the wireless client is outside of its assigned calling area within the cellular network . . . means for providing the telecommunications cellular service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone service, wherein providing the telecommunications service comprises routing messages from a local gateway over an intermediate network to a remote gateway, thereby avoiding long distance charges, wherein the intermediate network comprises at least one of the Internet and the World Wide Web," as recited in claim 21.

Further, *Burgess* discloses a communication system where a telephone number associated with a communication device for billing purposes may be reused by another communication device for receiving incoming calls. See col. 6, lines 5-11. This telephone number is associated with either communication device based on a predefined calling area. As such, *Burgess* does not remedy the deficiencies of *Hein-*

*Magnussen* and the proposed combination of *Hein-Magnussen* and *Burgess* fails to teach or suggest at least "means for receiving in a cellular network by a cellular base station a wireless data request for a telecommunications cellular service from a wireless client, wherein the wireless data request from the wireless client is outside of its assigned calling area within the cellular network . . . means for providing the telecommunications cellular service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone service, wherein providing the telecommunications service comprises routing messages from a local gateway over an intermediate network to a remote gateway, thereby avoiding long distance charges, wherein the intermediate network comprises at least one of the Internet and the World Wide Web," as recited in claim 21.

Also, the Office Action states that "wherein the cellular base station provides cellular telephone service was well known in the art, as taught by *Burgess*." See page 11. In response, Assignee submits that *Burgess* does not disclose a cellular base station in the manner claimed that receives a wireless data request and provides a local exchange point of presence in response to the request, among other features. Accordingly, Assignee respectfully submits that the claimed cellular base station is not well known in the art.

D. Claims 22-24

Independent claim 22 recites:

A computer-readable medium encoded with a program executable by a computer comprising:

***logic configured to receive in a cellular network by a cellular base station a wireless data request for a telecommunications cellular service from a wireless client, wherein the wireless data request from the wireless client is outside of its assigned calling area within the cellular network;***

***logic configured to provide by a cellular base station a local exchange point of presence to the wireless client in response to the request, the local exchange point of presence selected based on the geographic location of the wireless client; and***

***logic configured to provide the telecommunications cellular service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone services,***

***wherein providing the telecommunications service comprises routing messages from a local gateway over an intermediate network to a remote gateway, thereby avoiding long distance charges,***

***wherein the intermediate network comprises at least one of the Internet and the World Wide Web.***

(Emphasis added).

Independent claim 22 is allowable for at least the reason that the combination of *Hein-Magnussen* and *Burgess* do not disclose, teach, or suggest at least "logic configured to receive in a cellular network by a cellular base station a wireless data request for a telecommunications cellular service from a wireless client, wherein the wireless data request from the wireless client is outside of its assigned calling area within the cellular network . . . logic configured to provide the telecommunications cellular service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone services, wherein providing the telecommunications service comprises routing messages from a local gateway over an intermediate network to a remote

gateway, thereby avoiding long distance charges, wherein the intermediate network comprises at least one of the Internet and the World Wide Web," as emphasized above.

The Office Action argues that the claimed cellular base station is met by a Bluetooth transceiver in the *Hein-Magnussen* reference. Also, the Office Action refers to a wireless receiver/transmitter in *Burgess* but this device may not be properly substituted with the Bluetooth transceiver. Further, amended claim 22 discloses an intermediate network which is an additional element not believed to be sufficiently disclosed by the proposed combination of *Hein-Magnussen* and *Burgess*.

The claim describes that a cellular device outside of its assigned calling area can be provided a local telephone number through a local exchange point of process through which messaging services may be delivered and routed. The cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, singularly or in combination, all the elements of claim 22. For at least the reason that independent claim 22 is allowable over the cited references of record, dependent claims 23 and 24 (which depend from independent claim 22) are allowable as a matter of law for at least the reason that dependent claims 23 and 24 contain all the features of independent claim 22. Therefore, the rejection of claims 23 and 24 should be withdrawn and the claims allowed.

For example, *Hein-Magnussen* describes a near field communication system where a terminal can communicate in short range with a connecting unit which allows the terminal to connect with the Internet. See paras. 0059-0062, 0132, and 0147. Further, *Hein-Magnussen* discloses that a mobile telephone may be used as a terminal device where the



mobile telephone communicates to a connecting unit using near field communications, such as Bluetooth, instead of cellular communications. See para. 0147.

Therefore, *Hein-Magnussen* does not disclose a cellular communications system and does not "inexplicitly disclose having the feature(s) [of] cellular base station; wherein the cellular base station provides cellular telephone services." Page 3. Further, as stated above, *Hein-Magnussen* teaches away from using cellular telephone services so that near field communications may be used.

As such, *Hein-Magnussen* does not teach or suggest "logic configured to receive in a cellular network by a cellular base station a wireless data request for a telecommunications cellular service from a wireless client, wherein the wireless data request from the wireless client is outside of its assigned calling area within the cellular network . . . logic configured to provide the telecommunications cellular service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone services, wherein providing the telecommunications service comprises routing messages from a local gateway over an intermediate network to a remote gateway, thereby avoiding long distance charges, wherein the intermediate network comprises at least one of the Internet and the World Wide Web," as recited in claim 22.

Further, *Burgess* discloses a communication system where a telephone number associated with a communication device for billing purposes may be reused by another communication device for receiving incoming calls. See col. 6, lines 5-11. This telephone number is associated with either communication device based on a predefined calling area. As such, *Burgess* does not remedy the deficiencies of *Hein-*

*Magnussen* and the proposed combination of *Hein-Magnussen* and *Burgess* fails to teach or suggest at least "logic configured to receive in a cellular network by a cellular base station a wireless data request for a telecommunications cellular service from a wireless client, wherein the wireless data request from the wireless client is outside of its assigned calling area within the cellular network . . . logic configured to provide the telecommunications cellular service to the wireless client with a local telephone number through the local exchange point of presence, wherein the cellular base station provides cellular telephone services, wherein providing the telecommunications service comprises routing messages from a local gateway over an intermediate network to a remote gateway, thereby avoiding long distance charges, wherein the intermediate network comprises at least one of the Internet and the World Wide Web," as recited in claim 22.

Also, the Office Action states that "wherein the cellular base station provides cellular telephone service was well known in the art, as taught by *Burgess*." See page 13. In response, Assignee submits that *Burgess* does not disclose a cellular base station in the manner claimed that receives a wireless data request and provides a local exchange point of presence in response to the request, among other features. Accordingly, Assignee respectfully submits that the claimed cellular base station is not well known in the art.

## II. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are

traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

### ***CONCLUSION***

For at least the reasons set forth above, Assignee respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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